

## **Remarks**

This application has been carefully reviewed in light of the final Office Action mailed December 5, 2008. At the time of the Office Action, claims 1-27 were pending in the application. In the Office Action, the Examiner rejects claims 1-27. By this Amendment, Applicants have amended claim 24 and added claims 28 and 29 to clarify the subject matter which the Applicants claim as the invention and to advance prosecution of this case. No new matter has been introduced by these amendments. Applicants do not admit that these amendments were necessary as a result of any cited art. Applicants respectfully request reconsideration of the above application in view of the following remarks.

### **Anticipation Rejection**

Claims 1-3, 8, 10-15, 18-20, 22, 24 and 25 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 5,427, 753 (*Miura et al.*). Applicants respectfully traverse this rejection because *Miura et al.* fails to teach or suggest each and every feature of the pending claims.

The MPEP states that "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP § 2131 (citation omitted). The MPEP further states that "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." *Id.* (citation omitted). Applicant submits that *Miura et al.* fails to satisfy these requirements with respect to the pending claims.

Claim 1 is directed to a coarsening resistant automotive exhaust catalyst composition. As claimed, the composition requires "a component having barium metal ions bonded to a conjugate base oxide of an inorganic acid." *Miura et al.* does not teach or suggest at least this limitation of claim 1. At best, *Miura et al.* teaches that barium phosphate is usable as a vehicle for incorporating phosphorus into the catalyst. (col. 2, ll. 60-64.) *Miura et al.* does not teach or suggest incorporating barium phosphate into the catalyst, and therefore, does

not teach or suggest a catalyst comprising "barium metal ions bonded to a conjugate base oxide of an inorganic acid" as recited in claim 1. For at least this reason, *Miura et al.* does not anticipate pending claim 1. Notably, none of the twenty-two (22) examples provided in *Miura et al.* teach or suggest any barium in the composition of the catalyst. When using barium phosphate as taught by *Miura et al.*, the barium cations wash out into the solution used to introduce the phosphorus to the catalyst composition, and those barium cations do not become part of the final catalyst product. It is also worth noting that in each example provided in *Miura et al.* the cation of the compound used to introduce phosphate to the zeolite, the cation is washed out and does not become part of the final catalyst product.

Accordingly, favorable reconsideration and withdrawal of the rejection of claim 1 and associated dependent claims under 35 U.S.C. §102(b) for at least the reason set forth above is respectfully requested.

Claims 2-3, 8, and 10-15 are believed to be allowable for at least the same reasons as their corresponding base claims and further due to the additional features they recite. Separate and individual consideration is respectfully requested. For instance, claim 8 recites "the conjugated base oxides are milled or grounded into fine particles suitable for washcoating on substrates." *Miura et al.* does not teach or suggest this recitation. At best, *Miura et al.* teaches the use of an aqueous solution of barium phosphate to introduce phosphorus into a zeolite substrate. (col. 2, ll. 35-38.) However, *Miura et al.* does not teach or suggest incorporating a component having barium metal ions bonded to a conjugate base oxide of an inorganic acid into exhaust catalyst composition, as recited in claim 8.

Claim 18 is directed to a NO<sub>x</sub> trap including a catalyst composition. As claimed, the composition recites "a component having barium metal ions bonded to a conjugate base oxide of an inorganic acid." *Miura et al.* does not teach or suggest at least this recitation of claim 18. At best, *Miura et al.* teaches that barium phosphate may be used as a vehicle for incorporating phosphorus into a zeolite substrate. (col. 2, l. 60-col. 3, l. 2.) *Miura et al.* does not teach or suggest a catalyst comprising "barium metal ions bonded to a conjugate base oxide of an inorganic acid" as an integral component of the catalyst, as recited in claim 18. For at

least this reason, *Miura et al.* does not anticipate pending claim 18. Notably, none of the twenty-two (22) examples provided in *Miura et al.* teach or suggest any barium in the composition of the catalyst. When using barium phosphate as taught by *Miura et al.*, the barium cations wash out into the solution used to introduce the phosphorus to the catalyst composition, and those barium cations do not become part of the final catalyst product. It is also worth noting that in each example provided in *Miura et al.* the cation of the compound used to introduce phosphate to the zeolite, the cation is washed out and does not become part of the final catalyst product.

Accordingly, favorable reconsideration and withdrawal of the rejection of claim 18 and associated dependent claims under 35 U.S.C. §102(b) for at least the reason set forth above is respectfully requested.

Claims 19-20 and 22 are believed to be allowable for at least the same reasons as their corresponding base claims.

Claim 24 is directed to a method of inhibiting coarsening in an automotive exhaust catalyst composition. The claimed method recites combining a metal or metal-containing compound with a component having "barium ions bonded to a conjugate base oxide of an inorganic acid." *Miura et al.* does not teach or suggest at least this recitation of claim 24. At best, *Miura et al.* teaches that barium phosphate may be used as a vehicle for incorporating phosphorus into a zeolite substrate. (col. 2, l. 60-col. 3, l. 2.) *Miura et al.* does not teach or suggest a catalyst comprising "barium metal ions bonded to a conjugate base oxide of an inorganic acid" as an integral component of the catalyst, as recited in claim 24. For at least this reason, *Miura et al.* does not anticipate pending claim 24. Notably, none of the twenty-two (22) examples provided in *Miura et al.* teach or suggest any barium in the composition of the catalyst. When using barium phosphate as taught by *Miura et al.*, the barium cations wash out into the solution used to introduce the phosphorus to the catalyst composition, and those barium cations do not become part of the final catalyst product. It is also worth noting that in each example provided in *Miura et al.* the cation of the compound used to introduce phosphate to the zeolite, the cation is washed out and does not become part

of the final catalyst product.

Accordingly, favorable reconsideration and withdrawal of the rejection of claim 24 and associated dependent claims under 35 U.S.C. §102(b) for at least the reason set forth above is respectfully requested.

Claim 25 is believed to be allowable for at least the same reasons as its corresponding base claims.

### **Obviousness Rejections**

Claims 4-7, 16, 21, 23, 26, 27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Miura et al.* in view of U.S. Pat. No. 5,064,803 (*Nunan*). Claim 9 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Miura et al.* in view of U.S. Pat. Pub. No. 2003/0139288A1(*Cai et al.*) Claim 17 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Miura et al.* in view of U.S. Pat. No. 5,747,401 (*Cuif*).

Applicants respectfully traverse this rejection based at least in part upon their dependency from an allowable base claim, and further due to the additional features they recite. Separate and individual consideration is respectfully requested.

Applicants do not acquiesce in the Office's characterizations of the art. For brevity and to advance prosecution, Applicants may not have addressed all characterizations of the art and reserve the right to do so in further prosecution of this or a subsequent application. The absence of an explicit response by Applicants to any of the Office's positions does not constitute a concession to the Office's positions. The fact that Applicants' comments have focused on particular arguments does not constitute a concession that there are not other arguments for patentability of the claims. Applicants submit that all of the dependent claims are patentable for at least the reasons given with respect to the claims on which they depend.

**CONCLUSION**


For the foregoing reasons, Applicants have fully responded to the Office Action of December 5, 2008. Consequently, in view of the above amendments and remarks, Applicants respectfully submit that the application is in condition for allowance, which allowance is respectfully requested.

The Request for Continued Examination (RCE) fee of \$810.00 and the additional claims filing fee of \$104.00 are being charged to Deposit Account No. 06-1510 via electronic authorization submitted concurrently herewith. The Commissioner is hereby authorized to charge any fee deficiency associated with the filing of this Paper to the Deposit Account of Applicants' assignee, Ford Global Technologies LLC, Deposit Account No. 06-1510.

If the Examiner believes that an in-person interview with Applicants' attorney and an inventor would advance the prosecution of this application in any manner, the Examiner is invited to contact Matthew M. Jakubowski, Attorney for Applicants, at Examiner's convenience at (248) 358-4400.

Respectfully submitted,

**HUNGWEN JEN ET AL.**

By   
Matthew M. Jakubowski  
Reg. No. 44,801  
Attorney for Applicants

Date: April 6, 2009

**BROOKS KUSHMAN P.C.**  
1000 Town Center, 22nd Floor  
Southfield, MI 48075-1238  
Phone: 248-358-4400  
Fax: 248-358-3351